

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Sherry A. Loy

Debtor

) Case Number: 13-13755

) Chapter 13 Proceedings

) Judge Arthur I. Harris

TRUSTEE'S MOTION TO MODIFY DEBTOR'S CONFIRMED PLAN

Now comes CRAIG SHOPNECK, the duly appointed, qualified, and standing Chapter 13 Trustee ("Trustee") herein, and hereby moves this Honorable Court to modify the Debtor's confirmed Chapter 13 Plan ("plan") pursuant to Section 1329 of the Bankruptcy Code. In support of this motion, the Trustee makes the following representations to the Court:

1. The Debtor filed a petition under Chapter 13 of Title 11, U.S.C. on May 23, 2013. The Debtor's plan was confirmed on October 21, 2013. The current plan payment is \$741.80 per month, with the unsecured creditors, having total claims filed in the amount of \$25,821.60, receiving \$683.33 or a 3% dividend, whichever is greater.

2. The Trustee recently became aware that the Debtor won \$500,000.00 from a lottery in November 2015. After payment of federal and state taxes, the Debtor received net proceeds of \$344,600.00.

3. Section 1329(a)(1) of the Bankruptcy Code provides that the plan may be modified at any time after confirmation (but before completion of payments under the plan) in order to increase the amount to be paid to unsecured creditors. Section 1325(a) of the code requires that such a modification be offered in "good faith". Based on the information provided herein, it would be appropriate to modify the Debtor's plan to increase the dividend to 100% and to require that the Debtor turn over sufficient funds in a lump sum to pay the plan in full.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court to modify the debtor's Plan in accordance with the recommendations listed in this motion and for the reasons cited.

/s/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268 Fax (216) 621-4806

Ch13shopneck@ch13cleve.com

CERTIFICATE OF SERVICE

I certify that on July 7, 2016 a true and correct copy of this Motion to Modify Plan was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Susan M Gray, on behalf of Sherry A. Loy, Debtor
at Ecf@Smgraylaw.Com

And by regular U.S. mail, postage prepaid, on:

Sherry A. Loy, Debtor, at 4512 West 172nd Street, Cleveland, OH 44135

Attorney General of State of Ohio, Collection Enforcement, 150 East Gay Street, 21st Floor,
Columbus OH 43215

Cavalry SPV I LLC, % Cavalry Portfolio Services, 500 Summit Lake Drive, Suite 400,
Valhalla NY 10595

City of Cleveland, Division of Water, P.O. Box 94540, Cleveland OH 44101-4540

Cuyahoga County Treasurers Office, % Foreclosure Processing, 1219 Ontario Street, Room
109, Cleveland OH 44113

Daniel C Wolters, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus OH 43216-
5028

Golden Oaks Condominium Owners, % Ott & Associates, 1300 East Ninth Street, Suite
1520, Cleveland OH 44114

Jefferson Capital Systems LLC, P.O. Box 772813, Chicago IL 60677-2813

Jefferson Capital Systems LLC, P.O. Box 7999, St Cloud MN 56302-9617

Ohio Department of Taxation, Rebecca Daum Bankruptcy Division, P.O. Box 530,
Columbus OH 43216-0530

Portfolio Recovery Associates LLC, P.O. Box 41067, Norfolk VA 23541

Propel Financial Services LLC, Attn: Mary Doggett, 7990 IH 10 West Suite 200, San
Antonio TX 78230

Propel Financial Services LLC, P.O. Box 100350, San Antonio TX 78201-1650

Quantum3 Group LLC, P.O. Box 788, Kirkland WA 98083-0788

RJM Acquisitions LLC, 575 Underhill Blvd., Suite 224, Syosset NY 11791

Woods Cove II LLC, File 1411, 1801 West Olympic Blvd., Pasadena CA 91199-1411

/s/ Craig Shopneck

CRAIG SHOPNECK (#0009552)

Chapter 13 Trustee

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